

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ERICK BURGESS,

Plaintiff,

v.

Case No. 09-13019

PROBILITY PHYSICAL THERAPY, LLC,

Defendant.

**ORDER STRIKING TWO SETTLEMENT AGREEMENTS AND
SETTING DATE ON WHICH DISMISSAL BECOMES WITH PREJUDICE**

On February 11, 2011, the court dismissed this case without prejudice to allow the parties time to negotiate an amicable resolution to this matter and to finalize settlement documents. On June 13, 2011, the court conducted a telephone conference, at which point the parties confirmed that all issues have been resolved and the settlement will become final by the end of September, 2011. During the conference, the court also explained to the parties, that it does not typically accept settlement agreements for filing on the official court record. The court will therefore strike the two settlement agreements docketed by the parties as improvidently filed. Accordingly,

IT IS ORDERED that any party may move to reopen the case by **September 30, 2011**, at which point the court will conduct a telephone conference to determine whether the case should be placed back on the court's active docket. After **September 30, 2011**, in the absence of any further order of the court or filing by the parties, this dismissal will be with prejudice.

IT IS FURTHER ORDERED that the two settlement agreements [Dkt. ## 20 & 21] are STRICKEN from the docket as improvidently filed.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 24, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 24, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522